

BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

In the Matter of

RONALD E. AREBALO, M.D.

Holder of License No. **20144**
For the Practice of Medicine
In the State of Arizona.

Case No: MD-01-0293

**CONSENT AGREEMENT FOR
ORDER OF CONDITIONAL
REINSTATEMENT OF MEDICAL
LICENSE AND PROBATION**

By mutual agreement and understanding, between the Arizona Board of Medical Examiners (Board) and Ronald E. Arebalo, M.D. (Respondent) the parties agree to the following disposition of this matter.

1. Respondent acknowledges that he has read this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order; and, he is aware of and understands the content of this document.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged or to challenge this Consent Agreement and the Order in its entirety as issued by the Board and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, upon signing this agreement,
5 and returning this document (or a copy thereof) to the Board's Executive Director,
6 Respondent may not revoke his acceptance of the Consent Agreement and Order or make
7 any modifications to the document, although the Consent Agreement has not yet been
8 accepted by the Board and issued by the Executive Director. Any modifications to this
9 original document are ineffective and void unless mutually approved by the parties.

10 6. Respondent further understands that this Consent Agreement and Order,
11 once approved and signed, shall constitute a public record document, which may be
12 publicly disseminated as a formal action of the Board.

13 7. If any part of the Consent Agreement and Order is later declared void or
14 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
15 and effect.

16
17 
18 RONALD E. AREBALO, M.D.

Dated: 4/26/01

19
20 **FINDINGS OF FACT**

21 1. The Board is the duly constituted authority for the regulation and control of
22 the practice of allopathic medicine in the state of Arizona.

23 2. Ronald E. Arebalo, M.D. is the holder of License No. 20144 for the practice
24 of allopathic medicine in the state of Arizona.

25 3. Dr. Arebalo's license to practice medicine was placed on Inactive Status for

1 Cause on February 15, 1996, due to Dr. Arebalo's chemical dependency relapse which
2 violated the terms of his Stipulated Rehabilitation Agreement dated April 8, 1995.

3 4. On June 19, 2000, Dr. Arebalo requested reactivation of his license to
4 practice medicine.

5 5. Dr. Arebalo's request for reactivation was reviewed by the Board at its
6 February 2001 Board meeting. The Board advised Dr. Arebalo that because he had not
7 practiced medicine for five (5) years and there was no evidence that he had completed any
8 hours of Continuing Medical Education during that period, he would be required to
9 successfully complete the following: Undergo a satisfactory evaluation by the Physician
10 Assessment and Clinical Education Program (PACE) at the University of California, San
11 Diego, at his own expense; Complete forty (40) hours of Category 1, Board staff pre-
12 approved, Continuing Medical Education; and agree to enter the Board's Monitored
13 Aftercare Program after licensure. Dr. Arebalo agreed to complete the recommended
14 steps prior to having Board staff review his request for license reactivation.

15 6. Dr. Arebalo submitted to Board staff for their consideration, satisfactory proof
16 that he had completed the forty (40) hours of Category 1, CME. In addition, the Board
17 staff received an evaluation report from PACE which indicates that Dr. Arebalo is
18 competent to practice medicine.

19 7. On April 25, 2001, Board staff reviewed and considered Dr. Arebalo's
20 request for re-licensure along with the proof of completion of Category 1, CME and the
21 PACE evaluation report indication that Dr. Arebalo completed one week of clinical
22 education and performed well on the case discussions and exhibited a good fund of
23 medical knowledge and sound clinical judgment.

24 8. On April 27, 2001, this matter came before the Board and the Board voted to
25 enter into this Consent Agreement for Order of Conditional Reinstatement of Medical

1 License and Probation as final disposition of this matter.

2 **CONCLUSIONS OF LAW**

3 1. The Board possesses jurisdiction over the subject matter and over Ronald E.
4 Arebalo, M.D.

5 2. Pursuant to A.R.S. § 32-1403(A)(5), § 32-1431(D), § 32-1451(F) and § 32-
6 1452(A), the Board may enter the following order.

7 **ORDER**

8 IT IS HEREBY ORDERED THAT the inactive medical license held by Ronald E.
9 Arebalo, M.D., shall be reinstated to active status subject to the following conditions:

10 1. Upon paying all licensing fees, pursuant to A.R.S. § 32-1451(R), Dr.
11 Arebalo's license to practice medicine in Arizona shall be reactivated. In addition, Dr.
12 Arebalo's license shall be placed on probationary status for five (5) years with the following
13 terms and conditions:

14 A. In the event that Dr. Arebalo violates any term of his probation, his
15 license will be summarily suspended. Alternatively, Dr. Arebalo may surrender his Board
16 license if he admits to misconduct and so stipulates pursuant to A.R.S. § 32-1451(R). If
17 his Board license is revoked or he surrenders his license he shall be prohibited from
18 reapplying for a license for five (5) years.

19 B. Dr. Arebalo shall submit quarterly declarations under penalty of
20 perjury on forms provided by the Board, stating whether there has been compliance with
21 all the conditions of probation. The declarations shall be submitted on or before the 15th
22 of March, June, September and December of each year.

23 C. Dr. Arebalo shall promptly participate in the Monitored Aftercare
24 Program ("MAP") for the treatment and rehabilitation of physicians who are impaired by
25 alcohol or drug abuse. The terms and conditions of MAP are as follows:

I. DEFINITIONS

"Medication" means "prescription-only drug, controlled substance, and over-the-counter preparation, other than plain aspirin and plain acetaminophen."

"Emergency" means "a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life."

II. TERMS

1. **Participation.** Dr. Arebalo shall promptly enroll in and participate in the Board's confidential substance abuse treatment and rehabilitation program (the "program") in accordance with this Consent Agreement. Dr. Arebalo shall remain in the program for a period of five years from the Consent Agreement's effective date.

2. **Group Therapy.** Dr. Arebalo shall attend the program's group therapy sessions one time per week for the duration of this Consent Agreement, unless excused by the group therapist for good cause such as illness or vacation. Dr. Arebalo shall instruct the program group therapist to release to the Board, upon its request, all records relating to his treatment, and to submit monthly reports to the Board regarding attendance and progress. The reports shall be submitted on or before the 10th day of each month.

3. **12 Step or Self-Help Group Meetings.** Dr. Arebalo shall attend ninety (90) 12-step meetings or other self-help group meetings appropriate for substance abuse and approved by the Board, for a period of ninety (90) days beginning not later than either (a) the first day following his discharge from chemical dependency treatment or (b) the date of this Consent Agreement.

4. Following completion of the ninety (90) meetings in ninety (90) days, Dr. Arebalo shall participate in a 12-step recovery program or other self-help program appropriate for substance abuse as recommended by the group therapist and approved by the Board. Dr. Arebalo shall attend a minimum of three (3) 12-step or other self-help

1 program meetings per week.

2 **5. Board-Approved Primary Care Physician.** Dr. Arebalo shall promptly
3 obtain a primary care physician and shall submit the name of the physician to Board staff
4 in writing for approval.

5 **6.** The Board-approved primary care physician shall be in charge of providing
6 and coordinating Dr. Arebalo's medical care and treatment. Except in an *Emergency*, Dr.
7 Arebalo shall obtain his medical care and treatment only from the Board-approved primary
8 care physician and from health care providers to whom the Board-approved primary care
9 physician refers Dr. Arebalo from time to time. Dr. Arebalo shall request that the Board-
10 approved primary care physician document all referrals in the medical record.

11 **7.** Dr. Arebalo shall promptly inform the Board-approved primary care physician
12 of his rehabilitation efforts and provide a copy of this Consent Agreement to that physician.
13 Dr. Arebalo shall also inform all other health care providers who provide medical care or
14 treatment that he is participating in the Board's rehabilitation program.

15 **8. Medication.** Except in an *Emergency*, Dr. Arebalo shall take no *Medication*
16 unless the *Medication* is prescribed by his Board-approved primary care physician or other
17 health care provider to whom the Board-approved primary care physician makes referral.
18 Dr. Arebalo shall not self-prescribe any *Medication*.

19 **9.** If a controlled substance is prescribed, dispensed, or is administered to Dr.
20 Arebalo by any person other than the Board-approved primary care physician, he shall
21 notify the Board-approved primary care physician in writing within 48 hours. The
22 notification shall contain all information required for the medication log entry specified in
23 paragraph 10. Dr. Arebalo shall request that the notification be made a part of the medical
24 record. This paragraph does not authorize Dr. Arebalo to take any *Medication* other than
25 in accordance with paragraph 8.

1 **10. Medication Log.** Dr. Arebalo shall maintain a current legible log of all
2 *Medication* taken by or administered to him, and shall make the log available to the Board
3 and its staff upon request. For *Medication* (other than controlled substances) taken on an
4 on-going basis, Dr. Arebalo may comply with this paragraph by logging the first and last
5 administration of the *Medication* and all changes in dosage or frequency. The log, at a
6 minimum, shall include the following:

- 7 a. Name and dosage of *Medication* taken or administered;
- 8 b. Date taken or administered;
- 9 c. Name of prescribing or administering physician;
- 10 d. Reason *Medication* was prescribed or administered.

11 This paragraph does not authorize Dr. Arebalo to take any *Medication* other than in
12 accordance with paragraph 8.

13 **11. No Alcohol or Poppy Seeds.** Dr. Arebalo shall not consume alcohol or any
14 food or other substance containing poppy seeds.

15 **12. Biological Fluid Collection.** During all times that Dr. Arebalo is physically
16 present in the state of Arizona and such other times as board staff may direct, Dr. Arebalo
17 shall promptly comply with requests from Board staff, the group therapist, or the program
18 director to submit to witnessed biological fluid collection. If Dr. Arebalo is directed to
19 contact an automated telephone message system to determine when to provide a
20 specimen, he shall do so within the hours specified by Board staff. For the purposes of
21 this paragraph, in the case of an in-person request, "promptly comply" means
22 "immediately". In the case of a telephonic request, "promptly comply" means that, except
23 for good cause shown, Dr. Arebalo shall appear and submit to specimen collection not
24 later than two hours after telephonic notice to appear is given. The Board in its sole
25 discretion shall determine good cause.

1 **13.** Dr. Arebalo shall provide Board staff in writing with one telephone number
2 which shall be used to contact him on a 24 hours per day/seven days per week basis to
3 submit to biological fluid collection. For the purposes of this section, telephonic notice
4 shall be deemed given at the time a message to appear is left at the contact telephone
5 number provided by Dr. Arebalo. Dr. Arebalo authorizes any person or organization
6 conducting tests on the collected samples to provide testing results to the Board and the
7 program director.

8 **14.** Dr. Arebalo shall cooperate with collection site personnel regarding biological
9 fluid collection. Repeated complaints from collection site personnel regarding Dr.
10 Arebalo's lack of cooperation regarding collection may be grounds for termination from the
11 program.

12 **15. Payment for Services.** Dr. Arebalo shall pay for all costs, including
13 **personnel and contractor costs, associated with participating in the Monitored**
14 **Aftercare Program (MAP) at time service is rendered, or within 30 days of each**
15 **invoice sent to him.**

16 **16. Examination.** Dr. Arebalo shall submit to mental, physical, and medical
17 competency examinations at such times and under such conditions as directed by the
18 Board to assist the Board in monitoring his ability to safely engage in the practice of
19 medicine and compliance with the terms of this Consent Agreement.

20 **17. Treatment.** Dr. Arebalo shall submit to all medical, substance abuse, and
21 mental health care and treatment ordered by the Board, or recommended by the program
22 director.

23 **18. Obey All Laws.** Dr. Arebalo shall obey all federal, state and local laws, and
24 all rules governing the practice of medicine in the state of Arizona.

25 **19. Interviews.** Dr. Arebalo shall appear in person before the Board and its staff

1 and committees for interviews upon request, upon reasonable notice.

2 **20. Address and Phone Changes, Notice.** Dr. Arebalo shall immediately notify
3 the Board in writing of any change in office or home addresses and telephone numbers.
4 Dr. Arebalo shall provide Board staff at least three business days advance written notice of
5 any plans to be away from office or home for more than five (5) consecutive days. The
6 notice shall state the reason for the intended absence from home or office, and shall
7 provide a telephone number that may be used to contact Dr. Arebalo.

8 **21. Relapse, Violation.** See paragraph A of this Order.

9 **22. Notice Requirements.** Dr. Arebalo shall immediately provide a copy of
10 this Consent Agreement to all hospitals and free standing surgery centers at which Dr.
11 Arebalo has any privileges. Within 30 days of signing this Consent Agreement, Dr.
12 Arebalo shall provide the Board with a signed statement that he has complied with this
13 notification requirement.

14 Dr. Arebalo is further required to notify, in writing, all hospitals and free standing
15 surgery centers at which he has any privileges of a chemical dependency relapse, use of
16 drugs or alcohol in violation of this Consent Agreement and/or entry into a treatment
17 program. Dr. Arebalo shall provide the Board, within seven days of any of these events,
18 written confirmation that he has complied with this notification requirement.

19 **23. Public Record.** This Consent Agreement is a public record.

20 **24. Out-of State.** In the event Dr. Arebalo resides or practices medicine in a
21 state other than Arizona, he shall participate in the physician rehabilitation program
22 sponsored by that state's medical licensing authority or medical society. Dr. Arebalo shall
23 cause the other state's program to provide written reports to the Board regarding his
24 attendance, participation, and monitoring. The reports shall be due on or before the 15th
25 day of March and September of each year, until this requirement is terminated in writing by

1 the Board.

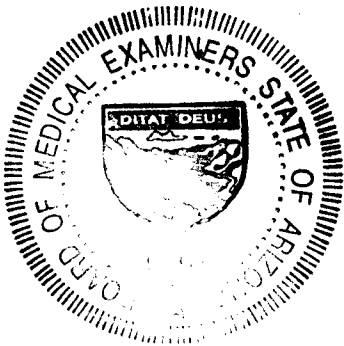
2 25. Dr. Arebalo shall immediately obtain a treating psychiatrist approved by
3 Board staff and shall remain in treatment with the psychiatrist until further order of the
4 Board. Physician shall instruct the psychiatrist to release to the Board, upon its request,
5 all records relating to treatment of Physician, and to submit quarterly written reports to the
6 Board regarding diagnosis, prognosis, and recommendations for continuing care and
7 treatment of Physician. The reports shall be submitted on or before the 15th day of March,
8 June, September and December of each year.

9 26. This Order supercedes all previous consent agreements and stipulations
10 between the Board and Ronald E. Arebalo, M.D.

11 DATED this 27th day of April, 2001

12 BOARD OF MEDICAL EXAMINERS
13 OF THE STATE OF ARIZONA

14 (SEAL)



15 By:

16 Claudia Foutz

17 CLAUDIA FOUTZ
18 Executive Director
19 TOM ADAMS
20 Deputy Director

21 Original of the foregoing filed
22 Sent Via Facsimile (520)-333-4562 for signature this ^{26th} day of
23 April, 2001 to:

24 Ronald E. Arebalo, M.D.
25 P.O. Box 1002
Springerville, Arizona 85938

Kathleen Miller
Coordinator, Monitored Aftercare Program

1 ORIGINAL of the foregoing filed this
2 30th day of April, 2001 with:

3 The Arizona Board of Medical Examiners
4 9545 E. Doubletree Ranch Road
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing
7 hand-delivered this 30th day of
8 April, 2001, to:

9 Richard Albrecht, Assistant Attorney General
10 c/o Arizona Board of Medical Examiners
11 9545 E. Doubletree Ranch Road
12 Scottsdale, AZ 85258
13 Counsel for the Board

14 EXECUTED COPY of the foregoing signed Consent Agreement
15 Agreement mailed by certified mail this
16 30th day of April, 2000¹ to:

17 Ronald E. Arebalo, M.D.
18 P.O. Box 1002
19 Springerville, Arizona 85938

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21 Coordinator, Monitored Aftercare Program
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